

Scott E. Ortiz, Wyo. State Bar # 5-2550
Brian J. Marvel, Wyo. State Bar # 7-4708
WILLIAMS, PORTER, DAY & NEVILLE, P.C.
159 North Wolcott, Suite 400
P.O. Box 10700
Casper, WY 82602
Telephone: (307) 265-0700
Fax: (307) 266-2306
sortiz@wpdn.net
bmarvel@wpdn.net

ATTORNEYS FOR DEFENDANTS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

A.D., by and through his Next Friends)
and Natural Parents, William K. and Mindy E.)
DuRose, WILLIAM K. DUROSE, and)
MINDY E. DUROSE,)

Plaintiffs,)

vs.)

Case No. 13-CV-216-S

POWELL VALLEY HEALTHCARE, INC.,)
POWELL HOSPITAL DISTRICT NO. 1,)
POWELL VALLEY HOSPITAL, JEFFERY)
HANSEN, M.D., and JOHN DOES 1 THROUGH)
10)

Defendants.)

**STIPULATED MOTION TO RETAIN JURISDICTION AND REQUEST FOR ORDER
OF DISMISSAL**

COME NOW Defendants, Powell Valley Healthcare, Inc., Powell Hospital District No. 1, and Powell Valley Hospital by and through its undersigned counsel of Williams, Porter, Day & Neville, P.C.; Defendant Jeffery Hansen, M.D. by and through his undersigned counsel of Crowley Fleck, PLLP; and Plaintiffs A.D. by and through his Next Friends and Natural Parents William K.

DuRose and Mindy E. DuRose, William K. DuRose and Mindy E. DuRose, individually, by and through undersigned counsel of Moyers Law P.C. and Bogue Paoli & Thomas LLC (hereinafter collectively referred to as “Parties”) hereby stipulate and move this Court for its *Order* dismissing all of Plaintiffs’ claims against all the Defendants with prejudice and that this Court shall retain jurisdiction over Case No. 13-CV-216-S for the sole purpose of enforcing compliance by the Parties with the terms of Settlement Agreement and Release. In support of this *Stipulated Motion to Retain Jurisdiction and Request for Order of Dismissal* the Parties stipulate and state as follows:

1. On or about June 3, 2015, the Parties in the above-captioned matter entered into a Settlement Agreement and Release under which the Plaintiffs completely released and forever discharged the Defendants from all of Plaintiffs’ claims in the above-captioned matter and required the Plaintiffs to dismiss with prejudice all claims of the Plaintiffs against the Defendants.

2. Pursuant to the Settlement Agreement and Release the Parties agreed that this Court would retain jurisdiction over the Parties solely for the purpose of assessing whether a party is in violation of the terms of this Settlement Agreement and Release. Pursuant to the Settlement Agreement and Release the Parties also agreed this Court would retain sanction authority over the Parties solely for the purpose of assessing fines in the event a party is in violation of the terms of the Settlement Agreement and Release and any addendums thereto.

3. Due to the fact the above-captioned matter involves a minor, on or about June 11, 2015, Plaintiffs filed their *Motion for Order Approving Settlement*, ECF No. 56. On June 12, 2015, this Court entered its *Order Approving Settlement*, ECF No. 57.

4. A district court can retain jurisdiction over a settlement agreement if the order of dismissal shows an intent to retain jurisdiction or incorporates the settlement agreement. *Morris v.*

City of Hobart, 39 F.3d 1105, 1110 (10th Cir. 1994) (citing *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 380–81, 114 S.Ct. 1673, 128 L.Ed.2d 391 (1994)).

5. Counsel for Powell Valley Healthcare, Inc., Powell Hospital District No. 1, and Powell Valley Hospital has conferred with counsel for the State of Wyoming who have no objections to this *Motion*.

WHEREFORE, Defendants, Powell Valley Healthcare, Inc., Powell Hospital District No. 1, and Powell Valley Hospital by and through its undersigned counsel of Williams, Porter, Day & Neville, P.C., Defendant Jeffery Hansen, M.D. by and through his undersigned counsel of Crowley Fleck, PLLP, and Plaintiffs, A.D. by and through his Next Friends and Natural Parents William K. DuRose and Mindy E. DuRose, William K. DuRose and Mindy E. DuRose, individually, by and through undersigned counsel of Moyers Law P.C. and Bogue Paoli & Thomas LLC respectfully request that this Court enter its *Order* dismissing all of Plaintiffs' claims against all Defendants with prejudice and that this Court shall retain jurisdiction over Case No. 13-CV-216-S for the sole purpose of enforcing compliance by the Parties with the terms of Settlement Agreement and Release and any addendums thereto.

DATED this 30th day of July, 2015.

POWELL VALLEY HEALTHCARE, INC., POWELL
HOSPITAL DISTRICT NO. 1, POWELL VALLEY
HOSPITAL.

/s/ Brian J. Marvel

Scott E. Ortiz, Wyo. State Bar #5-2550
Brian J. Marvel, Wyo. State Bar #7-4708
WILLIAMS, PORTER, DAY & NEVILLE, P.C.
159 North Wolcott, Suite 400
P. O. Box 10700
Casper, WY 82602-3902
(307) 265-0700
(307) 266-2306 (fax)

ATTORNEYS FOR THE DEFENDANTS

DATED this 30th day of July, 2015.

JEFFERY HANSEN, M.D.

/s/ Christopher C. Voigt

Christopher C. Voigt, Wyo. State Bar #6-3313
Timothy M. Stubson, Wyo. State Bar #6-3144
Crowley Fleck, PLLP
490 North 31st Street, Suite 500
Billings, MT 59103-2529
(406) 252-3441
(307) 259-4159 (fax)

ATTORNEYS FOR THE DEFENDANT

DATED this 30th day of July, 2015.

A.D., by and through his Next Friends and Natural
Parents, William K. and Mindy E. DuRose and
WILLIAM K. DUROSE and MINDY E. DUROSE.

/s/ Jon M. Moyers

Alfred F Paoli, Jr, *PRO HAC VICE*
BOGUE PAOLI & THOMAS LLC
1401 17th Street, Suite 320
Denver, CO 80202
(303) 382-1990
(303) 382-1982 (fax)

AND

Jon M. Moyers
MOYERS LAW P.C.
490 N. 31 St., Suite 101
Billings, Montana 59101
(406) 655-4900
(406) 655-4905 (fax)

ATTORNEYS FOR THE PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing document was delivered to the Court via the CM/ECF System and served upon counsel via electronic transmission this 30th day of July, 2015.

Alfred F. Paoli, Jr.
BOGUE PAOLI & THOMAS LLC
1401 17th Street
Suite 320
Denver, CO 80202
fpaoli@bogue-paoli.com

Timothy M. Stubson
CROWLEY FLECK, PLLP
152 North Durbin, Suite 220
Casper, WY 82601
tstubson@crowleyfleck.com

Mackenzie Williams
WYOMING ATTORNEY GENERAL'S OFFICE
2424 Pioneer Avenue, 2nd Floor
Cheyenne, WY 82002
mackenzie.williams@wyo.gov

Jeffery J. Oven
CROWLEY FLECK, PLLP
500 Transwestern Plaza II
490 North 31st Street
P. O. Box 2529
Billings, MT 59103-2529
joven@crowleyfleck.com

/s/ Brian J. Marvel

Brian J. Marvel